

March 23, 2020

Via ECF Only

Honorable John G. Koeltl, U.S.D.J.
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Application granted.
SO ORDERED.

New York, NY /s/ John G. Koeltl
March 23, 2020 John G. Koeltl, U.S.D.J.

RE: Zicarelli v. NYU Hospitals Center, et al.
Case No. 1:15-cv-09307
Our File No. 6084-0002

Dear Judge Koeltl:

We represent NYU Langone Hospitals (formerly known as NYU Hospitals Center) i/p/a “NYU Langone Medical Center” (“NYU Langone”), Cheryl Long (“Long”), Sheryl Bushman (“Bushman”) and Nancy Beale (“Beale”) (collectively, the “Defendants”), in the above action. Currently pending before Your Honor are Objections filed by Plaintiff (Dkt. No. 139) relating to the Magistrate Judge’s Order dated March 2, 2020 (Dkt. No. 136), which Order denied Plaintiff’s Motion to Compel Discovery.

Presently, Defendants’ deadline to file a response to Plaintiff’s Objections (Dkt. No. 139) is March 30, 2020. Defendants respectfully request an extension of Defendants’ deadline for filing a response to Plaintiff’s Objections by two weeks to April 13, 2020.

This is Defendants’ first request for an extension of the foregoing deadline. Defendants make this request in light of several business and personal challenges posed by the COVID-19 pandemic, and by Governor Andrew Cuomo’s mandate that all non-essential businesses in New York City and State close and have 100% of their employees work remotely. Although we are making this request without first obtaining Plaintiff’s counsel’s consent, we trust that said consent would have been provided given the circumstances.

Finally, Plaintiff’s Objections (Dkt. No. 139) did not include a transcript of the 90+-minute telephonic oral argument and hearing held by Magistrate Judge Fox on February 28, 2020 which resulted in the subject Order (Dkt. No. 136). Defendants attempted to procure the transcript for the Court’s reference in reviewing Plaintiff’s Objections and Defendants’ anticipated response to Plaintiff’s Objections. Unfortunately, on March 20, 2020, we were notified by TypeWrite Word Processing Service, the Court’s transcription service, that “the parties are too close to the microphone and the words are mumbled. We are unable to provide a transcript at this time.” Thus,

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Defendants' counsel intend to supply a declaration based on counsel's notes made during the February 28, 2020 telephonic proceeding before Magistrate Judge Fox.

Respectfully submitted,

SCHOEMAN UPDIKE KAUFMAN
& GERBER LLP

By: s/ Steven Gerber
Steven Gerber

SG/OAN/ar

cc: Mark Bierman, Esq.
Counsel for Plaintiff (via ECF only)